



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

KOLTER et al.

Serial No. 09/811,546

Filed: March 20, 2001

For: SOLID ORAL DOSAGE FORMS WITH DELAYED RELEASE OF ACTIVE
INGREDIENT AND HIGH MECHANICAL STABILITY

MAIL STOP RCE

Art Unit: 1615

Examiner: Ware

Honorable Comm'r. of Patents
PO Box 1450
Alexandria, VA 22313-1450

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AMENDMENT

Sir:

In further response to the office action dated March 26, 2003, and further to the Notice of Appeal filed September 26, 2003, applicants herein file a request for continued examination in response to the office communication dated October 30, 2003. Kindly enter the following amendments.

REQUEST

FOR

Application Number

09/811,546

Filing Date

March 20, 2001

First Named Inventor

KOLTER et al.

Art Unit

1615

Examiner Name

Ware

Attorney Docket Number

51284

**CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Address to:
Commissioner for Patents
Box RCE
Washington, DC 20231

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114**a. ☐ Previously submittedi. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____iii. ☐ Other _____b. ☒ Enclosedi. ☒ Amendment/Replyiii. ☐ Information Disclosure Statement (IDS)ii. ☐ Affidavit(s)/Declaration(s)iv. ☐ Other _____2. **Miscellaneous**a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.106 for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)b. ☐ Other _____3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 11-0345i. ☐ RCE fee required under 37 CFR 1.17(e)

12/05/2003 SDENAOB1 00000017 02811545

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

01 FC:1801

770.00 US

iii. ☒ Other ANY DEFICIENCY IN FEES

02 FC:1251

110.00 US

b. ☒ Check in the amount of \$ 880.00 enclosedc. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)

Herbert B. Keil

Registration No. (Attorney/Agent)

18,967

Signature

Date

December 4, 2003

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)

Herbert B. Keil

Signature

Date

December 4, 2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.

REQUEST

FOR

**CONTINUED EXAMINATION (RCE)
TRANSMITTAL**Address to:
Commissioner for Patents
Box RCE
Washington, DC 20231

Application Number	09/811,546
Filing Date	March 20, 2001
First Named Inventor	KOLTER et al.
Art Unit	1615
Examiner Name	Ware
Attorney Docket Number	51284

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1. **Submission required under 37 CFR 1.114**

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments to _____
- Deposit Account No. 11-0345
- i. ☐ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☒ Other ANY DEFICIENCY IN FEES
- b. ☒ Check in the amount of \$ 880.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

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KEIL & WEINKAUF
1350 CONNECTICUT AVENUE, N.W.
WASHINGTON, D.C. 20036

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Herbert B. Keil

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